

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12) and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the adoption of amendments to Title 17, Chapter 35 (Occupational and Professional License Fee Schedule) of the District of Columbia Municipal Regulations (DCMR). This rulemaking clarifies Section 3500.1 as setting the fees for health occupation licenses and amends the fee schedule in Sections 3500.2, 3500.3, 3500.4, and 3500.5 to include the non-health related occupations and professions licensed by the Department of Consumer and Regulatory Affairs.

These rules were previously published as a proposed rulemaking in the *D.C. Register* on December 26, 2008 (55 DCR 12915). No comments were received in response to that notice and no changes have been made. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Title 17 DCMR, Chapter 35 is amended to read as follows:

The first sentence in Section 3500.1 is amended to read as follows:

3500.1 The examination and annual license fees for each class of health occupation license issued by the Department of Health shall be as follows:

Section 3500.2 is amended to read as follows:

3500.2 The examination and annual license fees for each class of non-health occupation license issued by the Department of Consumer and Regulatory Affairs (DCRA) shall be as follows:

| DESCRIPTION OF SERVICE | FEE | TERM |
|----------------------------|--------------|-----------------|
| (a) <u>ARCHITECTS</u> : | | |
| Application | \$65.00 | |
| License | \$120.00 | (up to 2 years) |
| Renewal | \$155.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License | \$155.00 | (up to 2 years) |
| Inactive Status | \$155.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(b) ASBESTOS:

| | |
|----------------------------|--------------|
| Application | \$65.00 |
| License: | |
| (1) Asbestos Worker | \$110.00 |
| (2) Supervisor | \$110.00 |
| Renewal | \$110.00 |
| Late Renewal Fee | \$50.00 |
| Examination/Re-examination | See § 3500.3 |
| Reinstated License | \$110.00 |
| Inactive Status | \$110.00 |
| Duplicate License | \$30.00 |
| Verification of Records | \$30.00 |

(c) BARBERS:

| | | |
|--|--------------|-----------------|
| Application | \$65.00 | |
| License: | | |
| (1) Barber | \$110.00 | (up to 2 years) |
| (2) Manager | \$110.00 | (up to 2 years) |
| (3) Instructor | \$110.00 | (up to 2 years) |
| (4) Owner | \$110.00 | (up to 2 years) |
| Renewal: | | |
| Renewal (Barber & Owner) | \$110.00 | (up to 2 years) |
| Renewal (Barber, Manager & Instructor) | \$155.00 | |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License | \$155.00 | (up to 2 years) |
| Inactive Status | \$155.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(d) BOXERS & WRESTLERS:

| | |
|-------------------------------|----------|
| Application and License Fees: | |
| (1) Amateur | \$7.00 |
| (2) Amateur Show | \$25.00 |
| (3) Manager | \$110.00 |
| (4) Permit | \$50.00 |
| (5) Professional Contestant | \$25.00 |
| (6) Professional Show | \$50.00 |
| (7) Promoter | \$130.00 |
| (8) Referee | \$50.00 |
| Matchmaker | \$110.00 |
| Timekeeper | \$110.00 |
| Inspector | \$110.00 |
| Judges | \$110.00 |
| Announcer | \$110.00 |

| | |
|-------------------------|----------|
| Physician | \$110.00 |
| Seconds | \$25.00 |
| Verification of Records | \$30.00 |

(e) CERTIFIED PUBLIC ACCOUNTANTS:

| | | |
|----------------------------|--------------|-----------------|
| Application | \$65.00 | |
| License | \$110.00 | (up to 2 years) |
| Renewal | \$110.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License | \$110.00 | (up to 2 years) |
| Inactive Status | \$110.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |
| Permit to Practice | \$110.00 | (up to 2 years) |

(f) COSMETOLOGISTS:

| | | |
|----------------------------|---------------------------------------|-----------------|
| Application | \$65.00 | |
| License | \$110.00 | (up to 2 years) |
| Renewal | \$110.00 | (up to 2 years) |
| Renewal | (Managers & Instructors) | \$155.00 |
| Renewal | (Specialty Managers & Instructors) | \$155.00 |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License | \$110.00 | (up to 2 years) |
| Reinstated License | (Managers & Instructors) | \$155.00 |
| Reinstated License | (Specialty Managers & Instructors) | \$155.00 |
| Inactive Status | (All categories) | \$110.00 |
| Inactive Status | (Managers, Instructors & Specialty) | \$155.00 |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |
| Temporary License | (All operators except electrologists) | \$110.00 |

(g) ELECTRICIANS:

| | | |
|-------------------|--------------|--------------------------|
| Application | \$65.00 | |
| Temporary License | (Journeyman) | \$110.00 (up to 60 days) |
| License: | | |
| (1) Apprentice | | \$110.00 (up to 2 years) |
| (2) Journeyman | (All types) | \$110.00 (up to 2 years) |

| | | | |
|----------------------------|-------------|-------------|-----------------|
| (3) Master | (All types) | \$120.00 | (up to 2 years) |
| (4) Contractor | (All types) | \$120.00 | (up to 2 years) |
| Renewal: | | | |
| (1) Apprentice | | \$110.00 | (up to 2 years) |
| (2) Journeyman | (All types) | \$110.00 | (up to 2 years) |
| (3) Master | (All types) | \$155.00 | (up to 2 years) |
| (4) Contractor | (All types) | \$180.00 | (up to 2 years) |
| Late Renewal Fee | | \$50.00 | |
| Examination/Re-examination | | See §3500.3 | |
| Reinstated License: | | | |
| (1) Apprentice | | \$110.00 | (up to 2 years) |
| (2) Electrician | (All types) | \$110.00 | (up to 2 years) |
| (3) Master | (All types) | \$155.00 | (up to 2 years) |
| (4) Contractor | (All types) | \$180.00 | |
| Inactive Status: | | | |
| (1) Journeyman | (All types) | \$110.00 | |
| (2) Master | (All types) | \$155.00 | |
| Duplicate License | | \$30.00 | |
| Verification of Records | | \$30.00 | |

(h) FUNERAL DIRECTORS AND APPRENTICES:

| | | | |
|----------------------------|--------------------|--------------|-----------------|
| Application | | \$65.00 | |
| License: | | | |
| (1) Apprentice | | \$110.00 | (up to 4 years) |
| (2) Funeral Director | | \$120.00 | (up to 2 years) |
| Renewal | (Funeral Director) | \$130.00 | (up to 2 years) |
| Late Renewal Fee | | \$50.00 | |
| Examination/Re-examination | | See § 3500.3 | |
| Reinstated License | (Funeral Director) | \$120.00 | (up to 2 years) |
| Inactive Status | (Funeral Director) | \$120.00 | |
| Courtesy Card | (Funeral Director) | \$100.00 | |
| Duplicate License | | \$30.00 | |
| Verification of Records | | \$30.00 | |

(i) INTERIOR DESIGNERS:

| | | | |
|----------------------------|--|--------------|-----------------|
| Application | | \$65.00 | |
| License | | \$110.00 | (up to 2 years) |
| Renewal | | \$120.00 | (up to 2 years) |
| Late Renewal Fee | | \$50.00 | |
| Examination/Re-examination | | See § 3500.3 | |
| Reinstated License | | \$120.00 | (up to 2 years) |
| Inactive Status | | \$120.00 | |
| Duplicate License | | \$30.00 | |
| Verification of Records | | \$30.00 | |

(j) PLUMBERS/GASFITTERS:

| | | |
|----------------------------|--------------|-----------------|
| Application | \$65.00 | |
| License: | | |
| (1) Apprentice | \$110.00 | (up to 2 years) |
| (2) Journeyman (All types) | \$110.00 | (up to 2 years) |
| (3) Master (All types) | \$120.00 | (up to 2 years) |
| (4) Contractor | \$120.00 | (up to 2 years) |
| Renewal: | | |
| (1) Apprentice | \$110.00 | (up to 2 years) |
| (2) Journeyman (All types) | \$110.00 | (up to 2 years) |
| (3) Master (All types) | \$155.00 | (up to 2 years) |
| (4) Contractor | \$180.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License: | | |
| (1) Apprentice | \$110.00 | (up to 2 years) |
| (2) Journeyman | \$110.00 | (up to 2 years) |
| (3) Master | \$155.00 | |
| (4) Contractor | \$180.00 | |
| Inactive Status: | | |
| (1) Apprentice | \$110.00 | |
| (2) Journeyman | \$110.00 | |
| (3) Master | \$155.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(k) PROFESSIONAL ENGINEERS/ENGINEERS IN TRAINING:

| | | |
|----------------------------------|--------------|-----------------|
| Application | \$65.00 | |
| License: | | |
| (1) Professional Engineer | \$120.00 | (up to 2 years) |
| (2) Land Surveyor | \$120.00 | (up to 2 years) |
| Renewal: | | |
| (1) Professional Engineer | \$155.00 | (up to 2 years) |
| (2) Land Surveyor | \$155.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License | \$155.00 | (up to 2 years) |
| Inactive Status | \$155.00 | |
| Engineer in Training Certificate | \$120.00 | |
| Land Surveyor Intern | \$120.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(l) PUBLIC ACCOUNTANTS:

| | |
|------------------|----------|
| Renewal | \$110.00 |
| Late Renewal Fee | \$50.00 |

| | | |
|---|--------------|------------------|
| Examination/Re-examination | See §3500.3 | |
| Inactive Status | \$110.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |
| (m) <u>REAL ESTATE:</u> | | |
| Application | \$65.00 | |
| License | \$170.00 | (up to 2 years)* |
| Renewal: | | |
| (1) Associate Broker | \$170.00 | (up to 2 years)* |
| (2) Broker | \$170.00 | (up to 2 years)* |
| (3) Property Manager | \$170.00 | (up to 2 years)* |
| (4) Salesperson | \$130.00 | (up to 2 years)* |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Reinstated License: | | |
| (1) Associate Broker | \$210.00 | (up to 2 years)* |
| (2) Broker | \$210.00 | (up to 2 years)* |
| (3) Property Manager | \$210.00 | (up to 2 years)* |
| (4) Salesperson | \$130.00 | (up to 2 years)* |
| Inactive Status: | | |
| (1) Associate Broker | \$210.00 | |
| (2) Broker | \$210.00 | |
| (3) Property Manager | \$210.00 | |
| (4) Salesperson | \$130.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |
| Transfer/License Exchange/Status Change | \$30.00 | |

* In addition, a fee of \$60.00 for two years and \$30.00 for one year (payable by cashier's check, certified check, or money order) shall be submitted for the Real Estate Guaranty and Education Fund, unless such payments are suspended.

(n) REAL ESTATE APPRAISERS:

| | | |
|--|--------------|------------------|
| Application | \$65.00 | |
| License | \$170.00 | (up to 2 years)* |
| Renewal: | | |
| (1) Residential Appraiser | \$195.00 | (up to 2 years)* |
| (2) Certified General Appraiser | \$195.00 | (up to 2 years)* |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See § 3500.3 | |
| Inactive Status: | | |
| (1) Residential Appraiser | \$195.00 | (up to 2 years)* |
| (2) Certified General Appraiser | \$195.00 | (up to 2 years)* |
| Temporary License for Practice in D.C. | \$150.00 | |
| Duplicate License | \$30.00 | |

| | | |
|--|---------|-------------------|
| Verification of Records | \$30.00 | |
| Real Estate Appraiser Federal Registration | \$50.00 | (up to 2 years)** |

* In addition, a fee of \$130.00 (payable by cashier's check, certified check, or money order) shall be submitted for the Appraisal Education Fund, unless such payments are suspended.

** Federal regulations require that local regulatory agencies collect a fee for Federal registration. This fee is in addition to all other fees and is the current Federal fee.

(o) REFRIGERATION AND AIR CONDITIONING MECHANICS:

| | | |
|----------------------------|-------------|-----------------|
| Application | \$65.00 | |
| License: | | |
| (1) Mechanic | \$110.00 | (up to 2 years) |
| (2) Contractor | \$120.00 | (up to 2 years) |
| Renewal: | | |
| (1) Mechanic | \$155.00 | (up to 2 years) |
| (2) Contractor | \$180.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See §3500.3 | |
| Reinstated License: | | |
| (1) Mechanic | \$155.00 | |
| (2) Contractor | \$180.00 | |
| Inactive Status: | | |
| (1) Mechanic | \$155.00 | |
| (2) Contractor | \$180.00 | |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(p) STEAM AND OTHER OPERATING ENGINEERS:

| | | |
|----------------------------|-------------|-----------------|
| Application | \$65.00 | |
| License | \$110.00 | (up to 2 years) |
| Renewal | \$110.00 | (up to 2 years) |
| Late Renewal Fee | \$50.00 | |
| Examination/Re-examination | See §3500.3 | |
| Reinstated License | \$110.00 | (up to 2 years) |
| Inactive Status | \$110.00 | (up to 2 years) |
| Duplicate License | \$30.00 | |
| Verification of Records | \$30.00 | |

(q) ALL OCCUPATIONS/PROFESSIONS:

| | |
|-------------------|-----------------|
| List of licensees | \$0.05 per name |
|-------------------|-----------------|

Section 3500.3 is amended to read as follows:

3500.3 The types of examinations utilized for professional licensing are as follows: national examinations, standard examinations, and local examinations. National examinations are examinations developed and administered by third parties. Standard examinations are examinations developed by third parties and administered by DCRA. Local examinations are examinations developed and administered by DCRA or the Board or Commission regulating the individual occupation. Because the examination fees for national examinations and standard examinations change regularly, the DCRA examination/re-examination fees are as follows:

- (a) National examinations: Actual cost;
- (b) Standard examinations: Actual cost + \$25.00 DCRA administrative fee;
and
- (c) Local examinations: \$25.00 DCRA administrative fee.

Section 3500.4 is amended to read as follows:

3500.4 If a Board or Commission does not require applicants to take an examination after submitting an application for licensure, or the applicable rules require applicants to pass a national examination before submitting an application for licensure, an applicant does not need to include an examination fee with his or her license application.

A new section 3500.5 is added to read as follows:

3500.5 Unless otherwise specified, fees apply to all license types within a category.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**NOTICE OF FINAL RULEMAKING**

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-153), hereby gives notice of her intent to adopt the following amendment to Chapter 3 of Title 1 of the *District of Columbia Municipal Regulations* (DCMR) on publication of this notice in the *D.C. Register*.

The amendment deletes Chapters 1 and 2 of Title 5 of the DCMR. The amendment is necessary to remove obsolete provisions that applied to the Board of Education, an independent charter agency of the District of Columbia. That agency was abolished and its functions re-distributed pursuant to the provisions in the Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172 *et seq.*) (2008 Supp.). and An Act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education, approved June 1, 2007 (Pub. L. No. 110-33; 121 Stat. 223). The deleted provisions applied solely to the former Board of Education. Additionally, the deletion of these chapters will remove from the DCMR potentially confusing provisions that might erroneously be interpreted as applying to the newly created “State Board of Education”

A Notice of Proposed Rulemaking (NPR) was published in the D.C. Register on October 10, 2008 (55 DCR 10353) and comments were received. No changes have been made to the text of the rulemaking as it appeared in the NPR.

5 DCMR Chapter 1, By-laws of the Board of Education, and Chapter 2, Policymaking and Board Operations, are amended as follows:

Chapter 1 of Title 5 DCMR is deleted

Chapter 2 of Title 5 DCMR is deleted

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008 (Act), effective March 26, 2008 (D.C. Law 17-135; D.C. Official Code § 1-611.03 (a)(7)(A)) (2008 Supp.), and Council Proposed Resolution 17-903, dated December 16, 2008, hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend Chapter 11, Classification and Compensation, of Title 6 of the D.C. Municipal Regulations (DCMR), to add a new section 1155, *Operation Enduring Freedom and Operation Iraqi Freedom Pay Differential*, to the chapter. New section 1155 sets forth the provisions for the payment of a pay differential to full-time permanent, indefinite, or term District government employees called to active duty from reserve units of the United States Armed Forces as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom. The Act requires that rules be issued to implement its provisions. While a Notice of Proposed Rulemaking was published in the *D.C. Register* on June 27, 2008 (55 DCR 007115), there was a need to revise that rulemaking to delete the language stating that employees on "*Temporary Appointments Pending Establishment of a Register*" (TAPER) are eligible to receive the pay differential. The revised Notice of Proposed Rulemaking was published in the *D.C. Register* on December 26, 2008 (55 DCR 012958). No comments were received and no changes were made under the Notice of Proposed Rulemaking published on December 26, 2008. Final rulemaking action was taken on January 28, 2009.

CHAPTER 11**CLASSIFICATION AND COMPENSATION**

A new section 1155 is added to Chapter 11 of the D.C. Personnel Regulations, to read as follows:

**1155 OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM
PAY DIFFERENTIAL**

- 1155.1 (a) Any full-time permanent, indefinite, or term employee who serves in a reserve component of the armed forces and who has been ordered to active duty, or was retained for duty as a result of Operation Enduring Freedom, or in preparation for a potential conflict with Iraq, or as a result of Operation Iraqi Freedom, shall be entitled to apply for and receive, or continue to receive, as applicable, a pay differential to compensate the employee for any difference between the employee's District government basic pay and basic military pay.

- (b) For the purposes of this section, the phrase “any full-time permanent employee, indefinite, or term employee” in section 1151.1 (a) of this section shall include at-will employees.
- 1155.2 An employee as described in section 1155.1 of this section shall not be required to be released from active duty before making application for and receiving the pay differential. However, if the employee has not been released from active duty when he or she makes application for the pay differential, the employee shall provide all documentation required in section 1155.9 of this section, except that in lieu of providing a copy of the military orders releasing the employee from active duty, the employee shall provide a letter from his or her commanding officer attesting to the fact that the employee, as of the date of application for the pay differential, is still in an active duty status.
- 1155.3 A pay differential received pursuant to this section shall not be considered basic pay for any purpose.
- 1155.4 Any eligible employee, upon making application for the pay differential and upon approval of the application by his or her department or agency head, shall receive a pay differential that equals the difference between the employee’s District government basic pay reduced by the employee’s basic military pay.
- 1155.5 The estate of any eligible employee who has been killed while in active duty or who is missing in action as a result of active duty shall be eligible to collect any pay differential to which the employee would have been entitled upon making application on behalf of the employee and upon approval of the application by the employee’s department or agency head.
- 1155.6 The period of entitlement to the pay differential shall not exceed:
- (a) The period following the formal inception of Operation Enduring Freedom through the date the employee is released from active duty occasioned by Operation Enduring Freedom; or
 - (b) The period following the formal inception of the preparations for a potential conflict with Iraq and the period following the formal inception of Operation Iraqi Freedom through the date the employee is released from active duty occasioned by, the preparation for, or, Operation Iraqi Freedom.
- 1155.7 The pay differential shall not be payable for any period following the employee’s release from active duty and the employee’s return to his or her District government position.
- 1155.8 The pay differential shall not be payable for any days for which the employee received

pay by reason of any annual leave, military leave, compensatory time, or any other form of paid leave taken by the employee.

1155.9 In making application for the pay differential, the employee shall:

- (a) Provide a copy of the military orders activating the employee for full-time active military service for the Operation Enduring Freedom conflict, or, in preparation for, or, as a result of, the Operation Iraqi Freedom conflict;
- (b) Provide a copy of the military orders releasing the employee from full-time active military service for the Operation Enduring Freedom conflict, or, for the preparation for, or, the Operation Iraqi Freedom conflict; and
- (c) Provide all military pay documentation required to calculate the differential amount.

1155.10 A pay differential under this section shall be paid by the agency that last employed the eligible employee before the employee was ordered to active duty as specified in section 1155.1 of this section, out of the agency's funds or appropriations then currently available for salaries and expenses.

1155.99 DEFINITIONS

Active duty – full-time duty in the active military service of the United States for the Operation Enduring Freedom conflict, or, in preparation for, or, for the Operation Iraqi Freedom conflict.

Armed forces – has the meaning prescribed in 10 U.S.C. § 101 (a)(4).

Basic military pay – the basic pay under 37 U.S.C. § 204.

Basic pay – the employee's scheduled rate of pay plus any additional pay that is defined as basic pay for annuity computation purposes in the retirement system in which the employee is a participant.

Employee – any full-time permanent, indefinite, or term employee who serves in a reserve component of the United States Armed Forces and who has been called to active duty as a result of the Operation Enduring Freedom conflict, or in preparation for, or as a result of the Operation Iraqi Freedom conflict.

Operation Enduring Freedom – the period encompassed within Executive Order 13223 Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation, effective September 14, 2001, and amended by Amendment to Executive Order 13223, effective January 16, 2002 and ending on the date the employee is released from active duty occasioned by Operation Enduring Freedom.

Operation Iraqi Freedom – the period encompassed within the Joint Resolution entitled Authorization for Use of Military Force Against Iraq Resolution of 2002, approved October 16, 2002 (P.L. 107-243) and ending on the date the employee is released from active duty occasioned by Operation Iraqi Freedom.

Reserve component – has the meaning prescribed in 37 U.S.C. § 101 (24).